

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

18 U.S.C. § 1028(a)(2)

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

15 years imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

▶ AXEL JIMENEZ RODRIGUEZ, aka AXEL JIMENEZ

DISTRICT COURT NUMBER

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DHS-ICE

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underName and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned) Keslie Stewart, AUSA**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.
 1) ☐ If not detained give date any prior summons was served on above charges ▶

2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction } ☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year
May 20, 2008☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Per Lenin, warrant not needed

FILED

OA 91 Criminal Complaint

United States District Court

MAY 21 2008

NORTHERN

DISTRICT OF

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

AXEL JIMENEZ RODRIGUEZ, aka AXEL JIMENEZ

Case Number: 4-08-70296

(Name and Address of Defendant)

WDB

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about August 15, 2007 in Contra Costa County, in the Northern District of California defendant(s) did,

LMC

(Track Statutory Language of Offense)

knowingly and willfully transfer a false identification document that appeared to be issued by or under the authority of the United States Government knowing that such document was produced without lawful authority in violation of 18 U.S.C. § 1028(a)(2).

in violation of Title 18 United States Code, Section(s) 1028(a)(2)

I further state that I am a(n) Special Agent, DHS-ICE and that this complaint is based on the following facts:

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To Lara KroopForm: AUSARocio Franco, Special Agent DHS-ICE
Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

5/21/08

at

SAN FRANCISCO, CA

City and State

Hon. Edward M. Chen

Edward M. Chen
United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT OF ROCIO FRANCO IN SUPPORT OF CRIMINAL COMPLAINT

I, Rocio Franco, Special Agent, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against AXEL JIMENEZ RODRIGUEZ, a/k/a AXEL JIMENEZ for violating 18 U.S.C. § 1028 (a)(2). The facts set forth in this Affidavit are based on my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. Because this affidavit is submitted for limited purposes, I have not included in it the details of every aspect of the investigation.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Special Agent with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately fifty-four (54) months. I am currently assigned to the Operation Community Shield (OCS)/Predator Unit at the ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving individuals who sell, produce, and distribute counterfeit documents.

III. INDIVIDUALS INVOLVED

3. AXEL JIMENEZ RODRIGUEZ, a/k/a AXEL JIMENEZ (hereafter referred to as JIMENEZ) was born on October 11, 1986. Record searches revealed that JIMENEZ does not possess a valid California Driver's License. Based on information from ICE databases and criminal history sheets, I believe that JIMENEZ is a citizen and national of Mexico and currently residing in the United States illegally. There are no records available to me at this time that indicate JIMENEZ possesses any documents to be legally in the United States.

IV. APPLICABLE LAW

4. Title 18 U.S.C. § 1028(a)(2) provides criminal penalties for "Whoever, in a circumstance described in subsection (c) of this section . . . knowingly transfers an identification document, authentication feature, or a false identification document knowing that such document or feature was stolen or produced without lawful authority." Subsection (c) provides that "[t]he circumstance referred to in subsection (a) of this section is that (1) the identification document, authentication feature, or false identification document is or appears to be issued by or under the authority of the United States"

V. FACTS ESTABLISHING PROBABLE CAUSE

5. On or about August 15, 2007, an ICE confidential informant contacted an individual at phone number 925-497-5173 to purchase counterfeit documents. The individual agreed to meet

the ICE confidential informant at a 7-Eleven store located on 2995 Monument Boulevard, Concord, California. Prior to the meeting, I provided the ICE confidential informant with three photographs that he/she was to deliver to the individual to use in the production of the counterfeit documents. Subsequently, AXEL JIMENEZ RODRIGUEZ, a/k/a AXEL JIMENEZ met the ICE confidential informant in the 7-Eleven parking lot and the ICE confidential informant gave JIMENEZ the photographs that I had given him/her. ICE Special Agent Christopher J. Merendino witnessed the exchange of photographs between the ICE confidential informant and JIMENEZ

6. Prior to the transaction described above, I had identified AXEL JIMENEZ RODRIGUEZ through booking photos and surveillance.

7. On the same day at approximately 1518 hours, the ICE confidential informant called number 925-497-5173 to see if the counterfeit documents were ready. Subsequently, at approximately 1535 hours, the ICE confidential informant again met with JIMENEZ in the 7-Eleven parking lot. The ICE confidential informant gave JIMENEZ \$240 dollars, and JIMENEZ gave the ICE confidential informant three (3) counterfeit Lawful Permanent Resident (LPR) cards and three (3) counterfeit Social Security Number (SSN) cards. ICE Special Agent Raul Cano witnessed this exchange.


8. On the same day at approximately 1549 hours, the ICE confidential informant met with me. The ICE confidential informant then handed me the documents JIMENEZ had given him/her. I then examined the documents and observed that the documents had the same pictures that I had given the ICE confidential informant prior to his/her meeting with JIMENEZ.

9. Based on my training and experience, I determined that the documents JIMENEZ delivered to the ICE confidential informant were counterfeit because they lacked authentication features and because the numbers on the Lawful Permanent Resident cards and Social Security Number cards are not assigned to the person named on the documents.

10. Genuine Lawful Permanent Resident cards and genuine Social Security Number cards are issued by the United States under the authority of the United States.

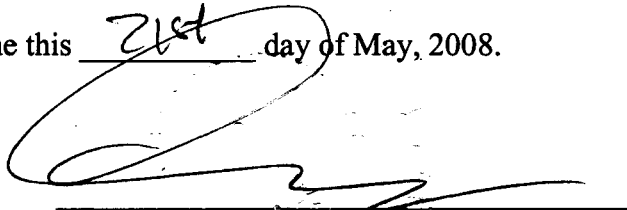
VI. CONCLUSION

11. On the basis of the above information, I submit that probable cause exists to believe that AXEL JIMENEZ RODRIGUEZ, a/k/a AXEL JIMENEZ did knowingly and willfully transfer a false identification document that appeared to be issued by or under the authority of the United States Government knowing that such document was produced without lawful authority in violation of 18 U.S.C. § 1028(a)(2).



Rodolfo Franco
Special Agent
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this 21st day of May, 2008.



The Honorable Edward Chen
United States Magistrate Judge
Northern District of California
San Francisco, California